

PERMIT TO OPERATE

PERMITTEE: Murphy Road Recycling, LLC
FACILITY ADDRESS: 123 Murphy Road, Hartford, CT
PERMIT No.: - PO

Pursuant to Section 22a-208a of the Connecticut General Statutes ("CGS") and Section 22a-209-4 of the Regulations of Connecticut State Agencies ("RCSA") a PERMIT TO OPERATE IS HEREBY ISSUED to Murphy Road Recycling, LLC ("Permittee") by the Commissioner of the Department Environmental Protection ("Commissioner") for a solid waste facility located at 123 Murphy Road, Hartford, CT.

This permit is based on all documents and specifications submitted as part of Application No. 200900014 including, but not limited to, the documents and specifications incorporated herein by reference:

- a. Application Form, dated December 31, 2008.
- b. Operation and Management Plan (P.E. prepared/certified/revised), submitted on January 28, 2009.
- c. The permit "Transfer Document", dated August 8, 2007.
- d. A drawing titled Plan View, P.E. certified, revised December 30, 2008, prepared by Anchor Engineering services, Inc.

The Permittee shall maintain records of all documents comprising all data pertaining to the application mentioned in this permit, as well as any supplemental information submitted to the Department in connection with such application. Any inaccuracies found in the information submitted by the Permittee may result in revocation, reissuance, or modification of this permit and civil or criminal enforcement actions.

GENERAL TERMS AND CONDITIONS

1. As used in this permit, the following definitions apply:

"Commissioner" means the Commissioner of the Department of Environmental Protection or the Commissioner's designee.

"Day" means calendar day.

"Department" means the Department of Environmental Protection.

"Designated recyclable item" means an item designated for recycling by the Commissioner of Environmental Protection in regulations adopted pursuant to subsection (a) of section 22a-241b, as amended by Public Act No. 10-87, or designated for recycling pursuant to CGS section 22a-256 or 22a-208v.

"Municipal solid waste" (or "MSW") means solid waste as defined in CGS Section 22a-207.

P.E.” means a Professional Engineer licensed to practice in the State of Connecticut.

"Processing" means the practice by which either the physical characteristics or the volume of solid waste accepted at the Facility is being altered through separating, sorting, baling, shredding, crushing, grinding, chipping, compacting, consolidation, transfer or reworking as part of the facility operation.

2. The Permittee shall comply with all terms and conditions of this permit. This permit consists of the conditions contained herein and the specifications contained in the application documents, except where such specifications are superseded by the more stringent conditions contained herein. Violation of any provision of this permit is subject to enforcement action pursuant, but not limited, to CGS Sections 22a-6, 22a-208, 22a-225 and 22a-226.
3. To the extent that any term or condition of this permit is deemed to be inconsistent, or in conflict, with any term or condition of any permit previously issued for this Facility, including any modifications thereto, or with any data or information contained in the application, or any other documents incorporated by reference in this permit, the terms and conditions of this permit shall control and remain enforceable against the Permittee.
4. The Permittee shall make no changes to the specifications and requirements of this permit, except in accordance with law.
5. The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Any document or action which is due or required on a Saturday, Sunday or a legal state or federal holiday shall be submitted or performed by the next business day thereafter.
6. The Permittee shall submit for the Commissioner's review and written approval all necessary documentation supporting any proposed physical and/or operational upgrades, improvements and/or minor changes in the Facility design, practices or equipment. The Commissioner may issue a written approval only if, in the Commissioner's judgment, the proposed physical and/or operational upgrades, improvements and/or minor changes: (a) are deemed necessary for a better and more efficient operation of the Facility; (b) are not significantly changing the nature of the Facility, or its impact on the environment; and (c) does not warrant the issuance of a permit or authorization pursuant to CGS Section 22a-208.
7. Any document, including, but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by a duly authorized representative of the Permittee, as defined in RCSA Section 22a-430-3(b)(2), and by the individual or individuals responsible for actually preparing such documents, each of whom shall certify in writing as follows: *"I have personally examined and am familiar with the information submitted in this document and all attachments hereto, and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement in the submitted information may be punishable as a criminal offense."* Any false statement in any document submitted pursuant to this permit may be punishable as a criminal offense in accordance with CGS Section 22a-6, pursuant to CGS Section 53a-157, and in accordance with any other applicable statute.

8. This permit is subject to and in no way derogates from any present or future property rights or other rights or powers of the State of Connecticut and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to, any and all public and private rights and to any federal, state or local laws or regulations pertinent to the Facility or activity affected thereby.
9. Nothing in this permit:
 - a. Shall affect the Commissioner's authority to institute any proceeding or to take any actions to prevent violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for violations of law;
 - b. Shall relieve the Permittee of other obligations under applicable federal, state and local laws;
 - c. Authorizes any person, municipality or authority to hinder municipal or regional solid waste recycling efforts. All activities conducted by the Permittee at the Facility shall be in accordance with the documents submitted as part of the application and in compliance with the Connecticut State Solid Waste Management Plan in effect on the issuance date of this permit.

B. AUTHORIZATION TO CONSTRUCT

There are no physical modifications or new processing equipment, authorized to be constructed or installed at the existing Facility.

The existing recycling facility incorporates the same features previously permitted: offices; a truck scale; outdoor staging areas for loaded/empty containers; and a processing building provided with loading docks, and a tipping floor incorporating an indoor rail spur, unloading and storage areas and various mechanical processing systems (conveyors; balers; sorting stations).

C. AUTHORIZATION TO OPERATE

1. The Permittee shall handle at the Facility only paper and cardboard received in source separated loads. Solid waste, other than those listed herein, shall not be accepted, processed, treated, stored, transported or disposed off-site, or otherwise processed at the Facility without prior written approval of the Commissioner.
2. The Permittee shall operate the Facility in accordance with all applicable law, including this permit. Unless otherwise approved by the Commissioner, the Facility shall be operated as follows:
 Monday - Saturday (5:00 am - 9:00 pm).
3. The Permittee shall ensure compliance with the following processing and storage limits and handling specifications established by this permit:

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<u>Processing Capacity</u> (tons/day)		
Paper & Cardboard	1,170	
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<u>Storage Capacity</u> (cy)		
Loose (received; sorted)	3,505	note (^) indoor areas C, D, E, G, H
Processed (bales; ready for shipments)	1,300	indoor area B

Processed (bales; ready for shipments)	5,805	outdoor trailers & covered cont.; indoor areas A, F, N
Processed (bales; ready for shipments)	1,310	indoor areas I, J, K, M
Residue; wet (putrescible) MSW	80	container(s) indoor; in containers; area I, J, K, M
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Total	12,000 cy	est. 3,500 tons
Surety bond:	\$ 201,250	\$50/ton rate (only recyclables) + 15% contingency
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Additional handling and storage specifications:

- a. The existing indoor rail spur may be used in the future for rail shipments of loaded railcars, provided that it is approved by the Department.
- b. The indoor truck maneuvering and unloading area shall be kept free of solid waste.
- c. Waste processing (unloading; sorting; storage in piles; reloading) shall occur only indoors.
- d. Outdoor storage activities shall occur only in trailers and/or covered containers.
- e. Containers loaded for transfer shall be shipped off-site within two (2) business days.
- f. Any wet (putrescible) MSW inadvertently received as part of any truck load shall be limited to 2% per truck load (**max. total = 23 tons/day**), and shall be separately handled (sorted; consolidated; shipped off-site) and reported to the Department. Any truck load exceeding the 2% limit shall be rejected.

4. The Permittee shall:

- a. Store solid waste on-site in conformance with proper fire control measures. Routine maintenance and inspections of all fire control equipment shall be conducted in accordance with manufacturer's specifications.
- b. Ensure that all solid waste accepted at the Facility is properly handled on-site, processed, stored and transported to markets or other solid waste processing or disposal facilities permitted to accept such solid waste.
- c. Ensure that any unacceptable/incidental solid waste inadvertently received, or solid waste which is unsuitable for processing at the Facility is: (i) promptly sorted, separated, isolated and temporarily stored in a safe manner prior to off-site transport; (ii) recorded and reported in the quarterly report required by this permit; and (iii) disposed at a facility lawfully authorized to accept such waste. A spare container shall be available for any storage emergency.
- d. Provide expeditious notification regarding any emergency incident (explosion, accident, fire, release, or other significant disruptive occurrence) which: (i) significantly damaged equipment or structures; (ii) interrupts the operation of the Facility for greater than twenty-four (24) hours; (iii) results in an unscheduled Facility shutdown or forced diversion of solid waste to other solid waste facilities; (iv) could reasonably create a source of pollution to the waters of the state; or (v) otherwise threatens public health. Such notification shall be: (i) be immediately conveyed to the Commissioner using the 24-hour emergency response number (860) 424-3338 or the alternate number (860) 424-3333 and in no event later than twenty-four (24) hours after the emergency incident; (ii) verified to the Solid Waste Program in the Waste Engineering and Enforcement Division of the Bureau of Materials Management and Compliance Assurance by phone at (860) 424-3366, or at another current publicly published number for the Solid Waste Program, or by facsimile at (860) 424-4059; (iii) followed by a written report no later than the fifth business day after the emergency incident detailing the cause and effect of the incident, remedial steps taken and emergency backup used or proposed to be implemented; and (iv) be recorded in a log of emergency incidents. In addition to the notification requirements above, the Permittee shall comply with all other applicable reporting or notification requirements regarding the emergency incident including but not limited to, reporting required by Section 22a-450 of the CGS.

- e. Prevent the spillage of solid waste from transfer containers during on-site maneuvering/storage and off-site transport. Each loaded container shall be covered before transportation off-site and the haulers shall be instructed to keep the containers covered during off-site transportation.
 - f. Operate the Facility in a safe manner and control fire, odor, noise, spills, vectors, litter and dust emission levels in continuous compliance with all applicable requirements, including OSHA. The Facility's premises shall be maintained and any litter shall be removed on a daily basis.
 - g. Have available for review by the Commissioner, the manufacturer's operation and maintenance manuals for each major piece of fixed processing equipment, (which may include, but not be limited to, balers; conveyors; compactors; and storage tanks) installed at the Facility.
 - h. Ensure that all recyclable wastes accepted are segregated so that no other wastes are commingled with recyclables which would or could potentially contaminate the recyclables, thereby rendering the recyclables unmarketable.
 - i. Process wastes in such a manner that will not cause contamination or degradation of the recyclable product, or any negative impact on their recyclability.
 - j. Conduct periodic unannounced inspections of truck loads delivered to the Facility, pursuant to Section 22a-220c(b) of the CGS. The inspections shall be performed for a minimum of five percent (5%) of the monthly truck loads received. The inspections and supporting documentation shall consist of at a minimum:
 - (i) photographs of each load inspected;
 - (ii) origin of each load (municipality; regional facility and whether commercial or residential);
 - (iii) waste transporter company name;
 - (iv) estimated percentage of designated recyclable items (cardboard, plastic Nos. 1 and 2, glass and metal food containers, leaves, newspaper, office paper, boxboard, magazines, residential high-grade white paper, colored ledger, scrap metal, storage batteries and used oil) and identification of each type; and
 - (v) immediate written notifications to the hauler, municipality in which the waste was generated and/or regional facility for each load that contains >10% designated recyclable items.
 - k. Ensure through observation that incoming loads do not contain >10% of designated recyclable items.
 - l. Maintain records of inspections for the life of the permit or such other timeframe specified in writing by the Commissioner.
5. The Permittee shall monitor and control airborne lead and asbestos within the enclosed processing area(s) of the Facility in accordance with the following:
- a. **Sampling:** During the first (1st) and second (2nd) year of operation under this permit, the Permittee shall conduct quarterly air sampling for asbestos. Unless otherwise determined and notified in writing by the Commissioner, air sampling shall be performed on an annual basis thereafter for the remainder of this permit. Sampling shall begin no later than thirty (30) days after the date of issuance of this permit and the analysis of all samples shall be conducted by a laboratory certified by the CT DPH to perform such analyses.
- All samples for asbestos shall be:
- i. Collected by a person licensed by the CT DPH as an Asbestos Consultant-Project Monitor;
 - ii. collected inside the enclosed processing area(s), outside the processing area(s) and at the exhaust of the Facility's HEPA filtration and ventilation system(s); and

- iii. analyzed using the method specified in 29 CFR 1910.1001 Appendix A or equivalent method approved in writing by the Commissioner. The Permittee shall ensure that the time-weighted average (TWA) permissible exposure limit of 0.1 fibers per cubic centimeter is not exceeded.

All samples for lead shall be:

- i. collected by a person licensed by the CT DPH as a Lead Inspector; and
 - ii. analyzed using a method of monitoring or analysis which has an accuracy (to a confidence level of 95 percent) of not less than 20 percent for airborne concentrations equal to or greater than thirty (30) micrograms per cubic meter.
- b. **Exceedances:** If the analysis determines that the limits for airborne asbestos set forth in 29 CFR 1910.1001(c), or the action level for airborne lead as defined in 29 CFR 1910.1025(b) were exceeded the Permittee shall, no later than thirty (30) days after becoming aware of such exceedance, submit for the Commissioner's review and written approval a plan to address such exceedance. The Permittee shall ensure that any such plan is developed by a P.E. for the design and installation of a ventilation/filtration/capture system or implementation of additional procedures to control airborne asbestos and lead. At a minimum, such plan shall include:
- i. the results of all quarterly or annual sampling;
 - ii. plans and specifications of any proposed system or new operational procedures;
 - iii. a layout drawing for the installation of any such system;
 - iv. an operating and preventative maintenance schedule of any such system;
 - v. an engineering evaluation demonstrating the effectiveness of the proposed system or proposed operational procedure; and
 - vi. a schedule for the design, installation and operation of the system or the implementation of new operating procedures.

The Permittee shall implement the plan as approved by the Commissioner. In approving any such plan, the Commissioner may impose additional conditions or modifications, as the Commissioner deems necessary.

- 6. The Permittee shall have an operator, certified pursuant to Section 22a-209-6 of the RCSA, present at the Facility. All individuals under the supervision of such certified operator shall have sufficient training to identify waste received at the Facility which is not permitted to be received, or is unsuitable for processing, and take proper action in handling such waste.
- 7. The Permittee shall prominently post and maintain a sign at the Facility entrance pursuant to Section 22a-209-10(3) of RCSA that includes the Facility's DEP permit number and issuance date.
- 8. The Permittee shall: (a) control all traffic related to the operation of the Facility in such a way as to mitigate queuing of vehicles off-site and excessive or unsafe traffic impact in the area where the Facility is located; (b) unless otherwise exempted, ensure that trucks are not left idling for more than three (3) consecutive minutes pursuant to Section 22a-174-18(b)(3) of the RCSA; (c) prominently post and maintain signs limiting such truck idling time within the Facility (i.e. scale; unloading / loading areas on TF, etc...).

9. The Permittee shall maintain daily records as required by Section 22a-209-10(13) of the RCSA as well as Sections 22a-208e and 22a-220 of the CGS. Based on such records, the Permittee shall prepare monthly summaries including, but not limited to, the following information as it pertains to solid waste:
- Type and quantity of solid waste received, including recyclables, unacceptable waste and/or universal waste.
 - Origin of waste load (municipality name; regional facility name) and waste hauler name.
 - Destination to which solid wastes, including recyclables, unacceptable waste and/or universal waste from the Facility were delivered for disposal or recycling, including quantities delivered to each destination.
 - All daily logs (including documentation related to the unannounced inspections of truck loads) shall be maintained for the life of this permit or such other timeframe specified in writing by the Commissioner.

The monthly summaries required pursuant this condition shall be submitted quarterly no later than January 31, April 30, July 31, October 31, of each year on forms prescribed by the Commissioner (as may be amended from time to time) directly to the Solid Waste Program, Waste Engineering and Enforcement Division, Bureau of Materials Management and Compliance Assurance, Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127.

10. The Permittee shall, no later than sixty (60) days after the effective date of this permit establish for the Commissioner's benefit an acceptable financial assurance instrument and post the financial assurance with the Department in the amount of **\$201,250**, as required by Section 22a-6(a)(7) of the CGS in conjunction with the general requirements of Section 22a-209-4(i) of the RCSA. The Permittee shall acknowledge and accept the following:
- The purpose of the financial assurance is to cover the third party costs for handling, removing, transporting and disposing the maximum permitted amount of unprocessed and processed solid waste at the Facility, and any additional cost(s) to ensure the proper closure of storage areas including, but not limited to, equipment rental, site clean-up, the decontamination and disposal of all equipment and processing and storage areas, and a 15% contingency to cover unforeseen events or activities that may increase the overall cost to close the permitted solid waste Facility.
 - The financial assurance instruments shall follow the requirements of Section 22a-209-4(i) of the RCSA, and 40 CFR 264.141 to 264.143 inclusive and 40 CFR 264.151, as referenced therein. The Permittee shall ensure that the financial assurance instrument is established in a format specified by the Commissioner for closure or post-closure maintenance and care, as appropriate.
 - The Department accepts five (5) types of financial assurance instruments, they are: (a) Trust Fund; (b) Irrevocable Standby Letter of Credit; (c) Financial Guarantee "Payment" Bond; (d) Performance Bond; and (e) Certificate of Insurance. The following documents are also required to be submitted in addition:
 - A cover letter signed by the Permittee shall be submitted along with the (b) instrument, in accordance with Section 40 CFR 264.143(d)(4).
 - A "Standby Trust Agreement" shall be submitted along with either (b), (c), or (d) instrument. The format is the same as for (a) above for a Trust Fund instrument..
 - A "Certification of Acknowledgement" shall be submitted along with the (a) instrument.

- d. The financial assurance shall:
 - (i) Be valid for, and appropriately maintained during, the term of this permit;
 - (ii) Specify the Permittee's name, the Facility's address, the number and issuance date of this permit; and
 - (iii) Be established in one or more of, the instrument formats found on DEP website [www.ct.gov/DEP/financialassurance].
 - e. The financial assurance instrument shall be adjusted annually for inflation within the sixty (60) days prior to the anniversary date of the instrument, and whenever there is a change in operations that affects the cost of closing the facility in accordance with the requirements of 40 CFR 264.142(b) as incorporated in the RCSA.
11. The Permittee shall, no later than sixty (60) days from the issuance date of this permit perform quarterly compliance audits for the life of this permit.
- a. The compliance audits required by this condition shall consist of a thorough and complete assessment of the Permittee's compliance with Sections 22a-209-1 through 22a-209-17 of the RCSA and with the terms and conditions of this permit.
 - b. Compliance Auditor. The compliance audits required by this condition shall be performed by an engineer licensed to practice in Connecticut ("P.E"), or consultant. Such P.E. or consultant shall be approved in writing by the Commissioner and will be required to prepare and submit to the Commissioner quarterly compliance audit reports.
- The Permittee shall, prior to the Commissioner's approval of the consultant: (a) submit for the Commissioner's evaluation a detailed description of the consultant's credentials (education; experience; training) which are relevant to the work required under this condition; and (b) certify to the Commissioner that such consultant:
- (i) Is not a subsidiary of or affiliated corporation to the Permittee or Permitted Facility;
 - (ii) Does not own stock in the Permittee or any parent, subsidiary, or affiliated corporation;
 - (iii) Has no other direct financial stake in the outcome of the compliance audit(s) outlined in this permit;
 - (iv) Has expertise and competence in environmental auditing and the regulatory programs being addressed through this permit, including evaluation of compliance with requirements specified in Sections 22a-209-1 through 22a-209-17 of the RCSA and with the terms and conditions of this permit; and
 - (v) Within ten (10) days after retaining any consultant other than the one originally identified pursuant to this condition, notify the Commissioner in writing of the identity of such other consultant by submitting the information and documentation specified in this condition. Nothing in this condition shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.
- c. Scope of Compliance Audits. Compliance audits shall:
 - (i) Detail the Permittee's compliance with the requirements of this permit and all applicable provisions of Sections 22a-209-1 through 22a-209-17 of the RCSA.
 - (ii) Describe any outreach efforts conducted by the Permittee to initiate pay as you throw (PAYT) programs also known as unit based pricing or variable-rate pricing and shall include names of waste haulers and municipalities that are participating in such programs.
 - (iii) The compliance auditor shall include in the compliance audit on-site inspections of the

waste received at the Facility. The purpose of such inspections is to determine whether loads are being received that contain > 10% designated recyclable items and to detect patterns associated with such loads. Unless otherwise approved by the Commissioner, the compliance auditor shall inspect wastes unloaded from a minimum of 10 trucks received during the day of the compliance audit. The compliance auditor shall document the actual number of truck loads inspected and the findings of such inspections.

d. Compliance Audit Report

The results of each compliance audit shall be summarized in a Compliance Audit report. At a minimum such report shall include:

- (i) The names of those individuals who conducted the compliance audit;
- (ii) The areas of the Facility inspected;
- (iii) The records reviewed to determine compliance;
- (iv) A description of the Permittee's compliance with this permit and applicable regulations;
- (v) Identification of all violations of this permit and applicable regulations;
- (vi) A description of the actions taken by the Permittee to correct patterns of loads received that contain > 10% designated recyclable items;
- (vii) Findings regarding the inspections conducted in accordance with this condition during the day of the compliance audit.
- (viii) A description of the actions taken by the Permittee to correct the violation(s) identified in each compliance audit; and
- (ix) The Permittee's certification of compliance with the regulations and documentation demonstrating such compliance pursuant to this permit. In cases where multiple counts of the same violation are discovered, the report shall include a listing of each count.

e. Permittee's Responses to Compliance Audit. The Permittee and the consultant shall comply with the following:

- (i) The inspection frequency shall be quarterly for the life of the permit;
- (ii) All violations shall immediately be brought to the attention of the Permittee by the consultant. The consultant shall also notify the Department within five (5) days of the inspection of all violations noted during the inspection;
- (iii) The Permittee shall correct all violations immediately. Should the Permittee be unable to immediately correct the violation, the Permittee shall submit within seven (7) days of the notification date, for the review and written approval of the Commissioner, a detailed plan to correct all violations noted. Such plan shall also include a schedule for implementation of the corrective actions required or recommended; and
- (iv) Within fifteen (15) days from the inspection date the consultant shall submit, to the Department and the Permittee, the compliance audit report. A copy of the compliance audit report, shall be maintained at the facility for the life of the permit or for such other timeframe specified by the Commissioner.

f. The Permittee shall cease accepting solid waste at the facility in the event that the Permittee fails to submit in a timely manner the plan and schedule required by condition No. 3.e. of this permit or fails to correct the violations noted by the inspection(s) in accordance with the approved plan and schedule.

- g. Documentation Submittal Deadlines. The documents required to be submitted pursuant to this condition shall be submitted quarterly no later than January 31, April 30, July 31, October 31, directly to the Solid Waste Enforcement Section, Waste Engineering and Enforcement Division, Bureau of Materials Management and Compliance Assurance, Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127.
12. Unless otherwise specified in writing by the Commissioner, all documents required to be submitted under this permit shall be directed to Calin Tanovici, Waste Engineering and Enforcement Division, Bureau of Materials Management and Compliance Assurance, Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127. As necessary, such documents will be routed to the appropriate staff for review.
13. This permit shall expire five (5) years from the issuance date of this permit and may be revoked, suspended, modified, renewed, or transferred in accordance with applicable laws.

Issued on this day of , 2010.

By Yvonne Bolton, Chief
Bureau of Materials Management and Compliance Assurance

Permit to Operate No. - PO

Administrative Note:

Application No. 200900014 for renewal of Permit to Operate

The following are revoked for administrative purposes:

- All operational conditions noted in the Permit to Construct and Operate No. 0640144 issued on 7/15/01.
- The Permit to Operate No. 0640169 issued on 2/19/92.

Permittee - Certified Mail #